

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Minutes**  
**July 13, 2009**

This meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, July 13, 2009. Present were Joseph DeMarco, Charlotte J. Foster, John McCrossan, Edward McDowell, Joseph Rossi and Kevin Sooy. Also present were Borough Attorney John R. Pidgeon, Esquire, Anthony Suriano, Deputy Borough Clerk, and Ralph Maresca, Administrator.

**STATEMENT OF PRESIDING OFFICER**

Notice of this meeting was provided to the Bernardsville News, Courier News and the Star Ledger, filed with the Municipal Clerk and posted on the Municipal Bulletin Board on January 6, 2009.

**PLEDGE OF ALLEGIANCE** - recited by all present

**CLOSED SESSION**

Council Member Rossi moved to adjourn to an executive session to consider Contract Negotiations and Personnel Matters, and that the time when and circumstances under which the matters can be disclosed to the public is when they are finally resolved. Mrs. Foster seconded and the motion was approved with six yes votes.

**PRESENTATIONS** - none

**APPROVAL OF MINUTES**

Council Member Foster moved to accept the minutes of the meeting held on June 22, 2009. Mr. Sooy seconded and the motion was approved with five yes votes. Mr. McCrossan was absent on June 22<sup>nd</sup> and abstained.

**OPEN SESSION**

Mayor Honecker opened the public session. There being no comments or questions, Mayor Honecker closed the public session.

**ORDINANCES**

Mayor Honecker continued the public hearing on **#09-1517, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 OF THE BOROUGH LAND DEVELOPMENT ORDINANCE ENTITLED "ZONING" BY ADDING PROVISIONS REGULATING DUMPSTERS**. Terry Thompson, Mine Mount Road resident and member of the Planning Board, gave reasons this ordinance should not be adopted. She said the DEP is writing additional stormwater regulations and suggested waiting for one of the new ordinances dealing with dumpsters.

She said the proposed ordinance addresses temporary dumpsters and commercial dumpsters should be addressed as well. Finally, she said the restrictions on dumpster placement seem unrealistic. Mr. Pidgeon said the DEP sample ordinances regarding dumpsters are being done from an environmental perspective and not zoning. The Planning Board had recommended tabling this ordinance for the reasons as stated by Ms. Thompson. Mayor Honecker asked Mr. Pidgeon to advise Ms. Broyles, Zoning Enforcement Officer, of the changes in the law and issue notices and carry this ordinance to the August 10<sup>th</sup> meeting.

**RESOLUTIONS**

- #09-124      AUTHORIZING RENEWAL OF A.B.C. LICENSE (Chateau Inc.)**
- #09-125      AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT AND  
RELEASE IN COMBE FILL SOUTH LITIGATION (with no contribution by  
the Borough)**
- #09-126      SUPPORTING THE OVER THE LIMIT UNDER ARREST 2009  
STATEWIDE CRACKDOWN**
- #09-127      AUTHORIZING REDEMPTION OF OUTSIDE LIEN #270**
- #09-130      AWARDDING A CONTRACT FOR GARBAGE CONTAINER REMOVAL  
AND DISPOSAL**
- #09-132      AUTHORIZING THE SUBMISSION OF THE YEAR 2010 SOMERSET  
HILLS MUNICIPAL ALLIANCE REQUEST FOR APPLICATION WITH  
SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS**
- #09-134      AUTHORIZING PAYMENT OF BILLS**

Mr. Sooy moved to adopt Resolutions #09-124 to #09-127, #09-130, #09-132, and #09-134. Mr. Rossi seconded and the motion was approved by the following roll call vote:

Mr. DeMarco	Yes	Mr. McDowell	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes
Mr. McCrossan	Yes	Mr. Sooy	Yes

**Resolution #09-128, AUTHORIZATION TO EXECUTE DEVELOPER’S AGREEMENT WITH VILLAGE SUPERMARKETS, INC. and Resolution #09-129, AUTHORIZATION TO EXECUTE DEVELOPER’S AGREEMENT WITH WASHINGTON CORNER ASSOC.,**

**LLC.** Mr. McCrossan said he would like to review the agreements prior to being signed by the Mayor and Clerk. Mr. Pidgeon explained that it is a form agreement and not negotiable. Mayor Honecker said the agreements are created and reviewed by Barry Hoffman, Planning Board Attorney and Michael Mondok. Mr. Pidgeon said he can send the form agreement to Mr. McCrossan if he wanted to view it. Mr. DeMarco moved to adopt Resolutions #09-128 and #09-129. Mrs. Foster seconded and the motion was approved with six yes votes.

**Resolution #09-131, SUPPORTING THE CAPITAL BUDGET PLAN RECOMMENDED BY THE FINANCE COMMITTEE.** Mayor Honecker asked about the item listed on the resolution as "Police SUV \$1,530". Chief Valentine explained it covers accessories and parts for the purchase of a Police SUV listed in the resolution. Mr. McCrossan asked for a change in the wording of the last paragraph of the resolution. It should now read, "**WHEREAS**, the Finance Committee has recommended the following item of the capital project plan:" Mr. McCrossan moved adoption of Resolution #09-131 as amended. Mrs. Foster seconded and the motion was approved with six yes votes.

**Resolution #09-133, ACCEPTING MONTHLY REPORTS.** Mrs. Foster said she is not in favor of accepting the Zoning Report which lacked the details Council had previously discussed. Chief Valentine said they are working on a monthly police report that will keep council informed of things that are occurring and also present statistics in a meaningful way so council can look at trends. Mrs. Foster acknowledged the Wastewater Treatment Plant Operator of the \$16,000 savings reflected in the Sewer Department's monthly report. She mentioned she would like to recognize this at a future meeting. Mayor Honecker suggested going back to Ed Schneider's report for zoning and housing. Mrs. Foster said maybe there should be two separate reports, one for housing and one for zoning. Mayor Honecker asked Mr. Maresca to follow up with zoning and housing and go back to Ed Schneider's form. Mrs. Foster moved adoption of Resolution #09-133 as amended by removing the zoning report. Mr. McCrossan seconded and the motion was approved with six yes votes.

### **REPORT OF THE MUNICIPAL ATTORNEY**

Mr. Pidgeon's report was reviewed and certain matters will be discussed in executive session.

### **COUNCIL STANDING COMMITTEE REPORTS**

**Public Safety** - Mr. Rossi said Chief Valentine sent a report to the committee for review. There are five applicants for police officer that will be interviewed Thursday morning at 9:00 a.m. Mayor Honecker said there is a special meeting on July 27<sup>th</sup> for a presentation by the Highlands Committee and the appointment of a police officer could be added to that meeting. Mr. Rossi asked if we could hire before July 27<sup>th</sup>, maybe at an early morning meeting. Chief Valentine agreed that it should be done before July 27<sup>th</sup>. Mayor Honecker asked for a meeting to be noticed for July 17<sup>th</sup> at 8:00 a.m.

for the hiring of a police officer. He also asked for a meeting to be noticed for July 27<sup>th</sup> for a presentation by the Highlands Committee. He said to advise Michael Mondok, the Planning Board, and the Environmental Commission of this meeting. Mr. Rossi said a traffic study for Old Fort Road is being discussed.

**Finance** - Mr. McCrossan said the budget trial balance was distributed to council. He talked about interest on investments and said he will speak with Mr. Maresca and have a specific report next month. Mr. Maresca said the county has not struck a tax rate yet, and asked if we could send estimated tax bills. A resolution would be needed to authorize the borough to send out estimated tax bills for the 3<sup>rd</sup> quarter. Mr. McCrossan moved to authorize **Resolution #09-135, AUTHORIZING THE ISSUANCE OF ESTIMATED TAX BILLS** and stated the resolution should indicate that this necessary due to the lack of budgets being certified by the state and the lack of manpower at the state. Mr. Rossi seconded and the motion was approved by the following roll call vote:

Mr. DeMarco	Yes	Mr. McDowell	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes
Mr. McCrossan	Yes	Mr. Sooy	Yes

**Personnel** - Mr. Sooy said some items could wait until the Borough Clerk returns from vacation.

**Engineering, Technology & Public Works** - Mr. McDowell said road resurfacing contracts are ready for Mayor Honecker’s signature. Plans for Old Fort Road and Mullens Lane are to be reviewed by Bob Brightly of Ferriero Engineering. The final punch list for the Downtown Project will be discussed in executive session. The contractor for the Olcott project has not finished the job and Mr. Macdowall will send out a letter. The cleanup of the basement area of the train station has been completed by ServePro. Mr. Macdowall will be meeting with the transit engineers to improve the parking situation. Library lighting contracts have been signed and await the Mayor’s signature. A new phone system for borough hall will be installed by Mr. Macdowall. Mayor Honecker asked about new designs on catch basins, which are more environmentally friendly regulations. He suggested looking into this and applying for stimulus money if available.

**ITEMS OF BUSINESS**

**Street fair** - StreetFairs.org has submitted a contract to hold a street fair on Mine Brook Road on Sunday, May 23, 2010. The borough needs road closure and banner approval before a contract can be signed. Mr. Pidgeon will contact StreetFairs.org directly. Mr. McCrossan said he would like there to be a statement requiring notification in case StreetFairs.org cannot financially cover any aspect of the fair. He would also like a statement indicating that they have paid all their vendors. Mr. Pidgeon will add these items and follow up with the Borough Clerk. Mayor Honecker suggested it would be good to wrap this up by the August meeting.

**Proposal for traffic study** - Mayor Honecker asked if the Public Safety Committee has discussed this topic. Mr. Rossi said RBA did a survey and have talked with the Public Safety Committee. Mrs. Foster asked where the expenses will come from. Mr. Rossi answered it comes out of the Safe Walks to School program. Discussion took place on changing the traffic pattern so it is one direction, the need for erecting stop signs, and speed limits. Mayor Honecker said the Public Works Committee will meet on July 21<sup>st</sup> and they will give a report to the Public Safety Committee and then this topic will come back to council.

**Special Events ordinance/requirement for financial statement** - Mr. Pidgeon spoke with John Cassells, Auditor, and changes to this ordinance were suggested. Mrs. Foster asked if the borough will require proof of qualified organization. Mr. Pidgeon said there will be a form with the application. Mr. Pidgeon will prepare an ordinance for introduction at the August 10<sup>th</sup> meeting.

**Train station** - Discussion took place about the tenant moving tables into the east portion of the train station building. Mr. Pidgeon asked council if they wanted the tenant to go to the Planning Board for a change of use. Mayor Honecker suggested getting comments from the Planning Board. Mr. Pidgeon said he is not sure what the Planning Board can do. The borough is the landlord. We could require the tenant to send a plan to council for review. Mayor Honecker said we should know what is going on in the building. Mr. Pidgeon will ask for a plan, send to Fire Code and Planning Board if necessary.

#### **OPEN SESSION**

Mayor Honecker opened the public session. There being no comments or questions, Mayor Honecker closed the public session.

#### **CLOSED SESSION**

Council Member McDowell moved to adjourn to an executive session to consider Contract Negotiations, Anticipated Litigation, and Property Acquisition, and that the time when and circumstances under which the matters can be disclosed to the public is when they are finally resolved. Mrs. Foster seconded and the motion was approved with six yes votes.

#### **ADJOURNMENT**

It was moved and seconded to adjourn the meeting. The motion was approved with six yes votes at 9:45 p.m.

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Anthony Suriano, Deputy Clerk

BOROUGH COUNCIL MINUTES

JULY 13, 2009

keywords: dumpsters-abc-liquor-license-combe-fill-litigation-police-tax-lien-redemption-developers-agreement-garbage-container-budget-finance-municipal-alliance-highlands-officer-hire-downtown-project-old-fort-mullens-bills-estimated-street-fair-special-events-train-station-traffic-study-catch-basin-phones